

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

ELLOYD JOHNSON,)	
ID # 840854,)	
Petitioner,)	
vs.)	No. 3:13-CV-2820-M
)	
WILLIAM STEPHENS, Director,)	
Texas Department of Criminal)	
Justice, Correctional Institutions Division,)	
Respondent.)	

**RECOMMENDATION REGARDING IN FORMA PAUPERIS
AND CERTIFICATE OF APPEALABILITY**

Pursuant to 28 U.S.C. § 636(b) and *Amended Miscellaneous Order No. 6* (adopted by *Special Order No. 2-59* on May 5, 2005), requests to proceed *in forma pauperis* on appeal are automatically referred. Before the Court is the petitioner's *Application to Proceed In Forma Pauperis*, filed on November 2, 2015 (doc. 26), with a certificate of inmate trust account. Pursuant to Fed. R. App. P. 22(b) and 28 U.S.C. § 2253(c), it is recommended that:

IFP STATUS:

(X) the party appealing be **DENIED** *in forma pauperis* status on appeal.

REASONS FOR DENIAL: The appeal is not taken in good faith for the reasons stated in the July 14, 2015 *Order Overruling Objections and Denying Motion for Free Copies Under 28 U.S.C. § 2250*.

COA:

(X) a Certificate of Appealability be **DENIED**.

REASONS FOR DENIAL: For the reasons stated in the July 14, 2015 *Order Overruling Objections and Denying Motion for Free Copies Under 28 U.S.C. § 2250*, the Court should find that the petitioner has failed to show that reasonable jurists would find "it debatable whether [this Court] was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *see* 28 U.S.C. § 2253(c)(2).

DATED this 16th day of November, 2015.


IRMA CARRILLO RAMIREZ
UNITED STATES MAGISTRATE JUDGE